



# California Regional Water Quality Control Board

## Los Angeles Region



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Agency Secretary

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Arnold Schwarzenegger  
Governor

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Los Angeles Regional Water Quality Control Board  
Draft Minutes of January 27, 2005 Regular Board Meeting held at  
The Metropolitan Water District of Southern California  
700 North Alameda Street, Los Angeles

### INTRODUCTION

1. The meeting was called to order by Chair Fran Diamond at 9:14 a.m.

#### Board Members Present

Fran Diamond, Susan Cloke, Julie Buckner-Levy, H. David Nahai, Timothy Shaheen

#### Board Members Absent

Bradley Mindlin

#### Staff Present

Jonathan Bishop, Deborah Smith, David Bacharowski, Ronji Harris, Michael Lauffer, Nancy Sutley, Robert Sams, Stephen Cain, Blythe Ponek-Bacharowski, Paula Rasmussen, Xavier Swamikannu, Melinda Becker, Kwangil-Lee, Jenny Newman, Toni Callaway, Wendy Phillips, Gay Norris, Rodney Collins

#### Others Present

Dr. Mark Gold, Heal the Bay	Ms. Tracy Egoscue, Santa Monica Baykeeper
Ms. Susan Paulsen, Flow Science	Mr. Dave Burhenn, Burhenn & Gest, LLC
Mr. Dan Griset, SCAG	Ms. Sharon Green, L.A. County Sanitation District
Mr. Larry Forester, City of Signal Hill	Mr. Tim Piaskey, CICWQ
Mr. Chris Stone, L.A. County Public Works	Mr. Jim Marchese, City of Los Angeles
Ms. Jacqy Gamble, Las Virgenes Municipal Water District	Ms. Joyce Clark, Metropolitan Water District of Southern California
Mr. Mark Zirbel, City of Fillmore	Mr. Steven Braband, BioSolutions, Inc.
Mr. Oliver Cramer, City of Santa Clarita	Mr. Sean Hecht, UCLA School of Law
Mr. John Behjan, City of Simi Valley	Mr. Damian Carroll, Office of Senator Jack Scott
Ms. Nora Reyes, City of Oxnard	Ms. Joan Greenwood, Targhee, Inc.
Ms. Katie Lichtig, City of Malibu	Ms. Melanie Winter, TRP
Mr. Richard Watson, Richard Watson & Associates	Dr. Shelley Luce, Heal the Bay

### **Pledge of Allegiance**

### ***California Environmental Protection Agency***



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*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## 1. Roll Call.

## 1. a. Oath for New Board Members.

*Newly appointed Board Members Mary Ann Lutz, and Bonny L. Herman repeated an Oath read by Board Chair Fran Diamond.*

## 2. Order of Agenda.

*The Executive Officer, Jonathan Bishop recommended the following changes to the agenda:*

- *Item 15 to be continued to a future meeting*

**MOTION:** By Board Member Nahai, seconded by Vice Chair Susan Cloke and approved on a voice vote.

## 3. Approval of Draft Meeting Minutes for the September 2, 2004, October 7, 2004, and December 13, 2004 Board Meetings.

**MOTION:** *Vice Chair Susan Cloke made a motion to approve the draft meeting Minutes for September 2, 2004, October 7, 2004 with a modification to December 13, 2004 draft Minutes to reflect the names of the Nominating Committee members for Chair and Vice Chair for 2005.*

*Seconded by Board Member Tim Shaheen, and approved on a voice vote.*

## 4. Board member Communications.

*Board member MaryAnn Lutz stated that Larry Forester, City of Signal Hills had given her a copy of his statement prior to the opening of January 27, 2005 meeting.*

*Chair Fran Diamond stated that she and Board member David Nahai had recently participated in the Erase the Waste Campaign meeting with members of State Board, and Celeste Cantu', the Director of State Board to discuss efforts to spend the remaining funds in the campaign's budget.*

## 4. a. The Chairs Award.

*This is a new award was in recognition of Regional Board staff who had participated in outreach, workshops and other efforts pertaining to the Price Pfister site. The recipients of this award include Dr. Arthur Heath, Dixon Oriola, Mohammad Zaidi, Carlos Ortez, and Stephen Cain.*

*Chair Diamond, also acknowledged David Bacharowski, Assistant Executive Officer, and Jonathan Bishop, Executive Officer for their diligent efforts pertaining to the Price Pfister site.*

## 4. b. Nomination of Chair and Vice Chair for 2005.



*Board Member David Nahai made a motion on behalf of the nominating committee for Vice Chair Susan Cloke as Chair, and Board Member Timothy Shaheen as Vice Chair for 2005, seconded by Board Member Fran Diamond, and approved unanimously on a voice vote.*

5. Executive Officers Report.

*Mr. Jonathan Bishop, Executive gave an update on environmental effects of the recent rain events. He indicated that there have been up to 30 inches of rain in some areas, and 16 inches in Los Angeles County alone. Mr. Bishop gave a summary of a few spill occurrences due to the rain events and stated that if the spills were preventable, enforcement actions may come before the Board in the future.*

*Mr. Bishop indicated that the Time Schedule order issued to Simi Valley in connection with Nitrification and Dinitrification, and gave a brief summary on the Tujunga wash golf course and its status after the recent rain occurrences.*

6. Public Forum.

*Mr. Richard Watson representing the California Storm Water Association invited the Board to a conference held on February 13, 2005 in Ontario, CA. He indicated the State Board member Arthur Baggett will be the keynote speaker, and more information is forthcoming.*

*Mr. Sean Hecht, Director of Environmental Law Center at UCLA. Mr. Hecht discussed the roll of the Report Card, and its aim to educate the public, and help them understand our regulators and what others are doing to solve our environmental problems. Mr. Hecht summarized the focus of the Los Angeles Regional Board's TMDL approach as well as its aggressive storm water approach. Mr. Hecht commended to Los Angeles Regional Board, and stated that the Regional Board was well deserving of the 'A' it received in the Report Card.*

7. Uncontested Items Calendar.

*Items 8.1 through 8.5, 13*

**MOTION:** By Board Member Mary Ann Lutz, seconded by Vice Chair Timothy Shaheen and approved on a voice vote.

**Time Schedule Orders**

8. Consideration of an Amendment to Time Schedule Orders for Malibu Creek Preservation Company (01-011), Malibu Country Mart I (R4-2003-0030), Malibu Country Mart II (R4-2003-0032), and Malibu Country Mart III (R4-2002-0197).

*Ms. Wendy Phillips and Dr. Kwang Lee of Regional Board staff jointly presented information on the four Time Schedule Orders (TSOs). They described the water imbalance in the area and the lack of*



*space for the dischargers to engineer and build individual treatment plants. At the request of the dischargers and the City of Malibu, amendments to the four TSOs are being proposed due to an expectation that funding for a centralized wastewater treatment plant may arise as a result of passage of Measure S, approved by voters on November 6, 2004.*

Public Speakers:

Mr. Steven Braband, Representing Malibu Preservation

Dr. Mark Gold, Heal the Bay

Ms. Katie Lichtig, City of Malibu

*After Board questions and discussion, a motion was made by Board Member David Nahai to adopt the Time Schedule Orders for Malibu Creek Preservation Company LLC, Malibu Country Mart I, Malibu Country Mart II, and Malibu Country Mart III with the following changes:*

- Make modifications to the language in the proposed Resolution on page 9-5, Section 2D, and implement a requirement to submit by January 27, 2006, a copy of an agreement between the discharger and the City of Malibu exhibiting sufficient commitments acceptable to the Regional Board by the Discharger and the City of Malibu for connection of the Discharger's facilities to a centralized WWTP which is intended to be installed and operational by January 27, 2008. If an agreement containing sufficient commitments as determined by the Regional Board is approved the Regional Board at a Board meeting as consistent with the purposes of this amendment, then the Board intends to modify the time schedule in the Orders to allow time for connection to a centralized WWTP. In the event that the Discharger is unable to come to an agreement with the City, the Discharger shall proceed to begin construction of its own treatment plant to achieve full compliance with the TSOs and associated WDRs by January 27, 2007.*
- Delete the provision that delegates authority to the Executive Officer to extend the schedule, for up to nine months, to meet all requirements in the TSOs.*

MOTION: By Board Member David Nahai, seconded by Board Member Fran Diamond, and approved on a voice vote.

9. (Item 16) Consideration of a tentative Resolution to reiterate existing authority to regulate hydromodifications within the Los Angeles Region, and intent to evaluate the need for and develop as appropriate new policy or other tools to control adverse impacts from hydromodification on the water quality and beneficial uses of water courses in the Los Angeles Region.

*Renee DeShazo, LARWQCB gave the staff presentation. Ms. DeShazo first clarified that this matter is only a Resolution at this time, and as such, has not regulatory effect. Staff may bring before the Board a Policy at a later date. She defined "hydromodifications" and their impacts to watercourses. She also outlined a two-step process to be undertaken to review existing Regional Board authority to regulate hydromodifications and strengthen if necessary that authority. She also mentioned that the proposed Resolution includes extensive input from stakeholders.*



Public Speakers:

Mr. Eric Stein, Southern California Coastal Research Project (SCCWRP)  
Mr. Damon Wayne, Ventura Coastkeeper  
Mr. Tim Piasky, Representing the Construction Industry Coalition on Water Quality  
Ms. Melanie Winter, The River Project  
Mr. Dave Burhenn, Burhenn & Gest, LLP  
Dr. Shelley Luce, Heal the Bay

*After questions and discussion by the Board, a motion was made by Board Member Julie Buckner-Levy to adopt the proposed Resolution with the following changes:*

- *Revise Finding 16 by replacing and the last sentence with “Nothing in this Resolution is intended to alter the ability of these local agencies to continue ongoing maintenance activities.”*
- *Revise Finding 21 to be stricken and modified as follows “Under Section 401 of the Clean Water Act, the State Water Resources Control Board and Regional Boards have a time limit.” Strike the parenthetical and replace it with: “as prescribed by applicable laws and regulations, from the receipt of a complete application to...”*

MOTION: By Board Member Julie Buckner-Levy, seconded by Mary Ann Lutz, and approved on a voice vote.

*Board Member Bonny Herman voted in opposition on this matter.*

10. (Item 17) Public Workshop to consider basin planning priorities for 2005-2007 (Triennial Review).

*Renee DeShazo gave the staff report, indicating that there were 56 issues identified and evaluated, 24 of which were identified as hold high priorities.*

Public Speakers:

Dr. Shelley Luce, Heal the Bay  
Council Member Larry Forester, City of Signal Hill  
Ms. Sharon Green, County Sanitation Districts of Los Angeles County  
Mr. Tim Piasky, Construction Industry Coalition on Water Quality  
Ms. Tracy Egoscue, Santa Monica Baykeeper  
Board Member Nancy Sutley, State Water Resources Control Board

11. Adjournment of Current Meeting.



*The meeting adjourned at 3:10 p.m. The next regular meeting is scheduled for March 3, 2005 at the City of Simi Valley, City Council Chambers, located at 2929 Tapo Canyon Road, Simi Valley at 9:00 a.m.*

Minutes adopted at the \_\_\_\_\_ Regular Board meeting  
submitted/amended.

Written and submitted by: \_\_\_\_\_.

